

## REMARKS

Claims 1-32 are pending in this application. Claims 1-13 have been allowed. Claims 14, 19, 21, 26, 30, and 31 have been rejected in the present action. Claims 15-18, 20, 22-25, 27-29, and 32 are objected to as depending on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The examiner's remarks are considered in substantially the order presented.

### Claim Objection

Claim 18 has been amended to correct its dependency.

### Rejections under 35 USC 102

Claims 14, 19, 21, 26, 30, and 31 have been rejected under 35USC102 as being anticipated by Thomeer et al, US6333700. Claims 14 and 21 are independent claims. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Regarding claims 14 and 21, the examiner states that the '700 patent discloses disposing a signal repeater 28 at a predetermined location in a wall of the wellbore 12; transmitting a first signal(between 32 and 28) from a first device 32 located at a downhole location; receiving the first signal at the repeater 28, the repeater transmitting a second signal indicative of the first signal; and receiving the second signal uphole. Applicant respectfully request that the examiner reconsider this analysis. The device 28

of the '700 patent is a radio frequency identification transmitter, commonly referred to in the art as an RFID. Such a device is not a repeater. It transmits a coded signal based upon an interrogation signal, per the examiner's own admission, and the description in col. 5, lines 5-60. A repeater as commonly defined by the Merriam-Webster online dictionary is:

*a device for receiving electronic communication signals and delivering corresponding amplified ones.*

The term repeater is clearly used this way in the present application, for example in Para 0019 which states "Signal repeaters 60 are disposed in the wall of wellbore 32 to periodically boost the strength of the signals as they are attenuated during transit through the transmission medium", And in Para 0021, "In operation, in one embodiment, a signal 101 is received, processed, amplified, and retransmitted as signal 102 at a signal strength sufficient to reach the next repeater." There is no disclosure in the '700 patent wherein the device 28 has the capabilities of, or acts like, a repeater. It is clear, then, that at least one element of applicants independent claims 14 and 21, a repeater, is not disclosed, suggested, or taught, in the '700 patent.


Applicant also asserts that the RFID device 28 of the '700 patent is not disposed in a wall of the wellbore. As commonly understood in the art, the wall of the wellbore comprises the rock and soil of the formation surrounding the wellbore. The RFID device 28 of the '700 patent is disposed in a casing joint wherein the casing may then be disposed in the wellbore. The elements of the '700 patent are clearly not arranged as required by applicant's independent claims 14 and 21.

For the reasons stated above, applicant believes that independent claims 14 and 21, and the claims dependent thereon, are allowable under 35USC102 over the '700 patent.

Consideration of the application as amended is respectfully requested. The Commissioner is hereby authorized to charge any fee and credit any overpayment associated with this response to Deposit Account No. 02-0429(564-24872-US).

Respectfully submitted,

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